

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 remain active in this case, Claims 1-18 having been amended by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hasegawa et al. (U.S. Patent 6,493,561, herein "Hasegawa").

Applicants respectfully traverse the rejection for the following reasons.

To establish anticipation of Claims 1-18 under 35 U.S.C. § 102(e), the outstanding Office Action must show that each and every feature recited in Claims 1-18 is either explicitly disclosed or necessarily present in Hasegawa.¹

The outstanding Office Action asserts that Hasegawa discloses all of the features recited in Claims 1-18. Applicants respectfully disagree. Amended Claim 1 recites a mobile radio communication apparatus for use in a mobile radio communication system including a plurality of base stations, each of the base stations broadcasting a system ID identifying a provider to which the base station belongs, the apparatus comprising, *inter alia*, second means for seizing, based on stored priority data, one of the base stations offering desired type of service in a geographical area when determining means determines that a base station seized by first seizing means does not offer the desired type of service.

Hasegawa does not disclose at least the above-mentioned system ID and second means for seizing of Claim 1. The outstanding Office Action cites Fig. 6, Fig. 7, col. 5, lines 51-67, col. 6, lines 1-10 and 22-46, col. 12, lines 53-64, and col. 39, lines 16-26; however, the above-mentioned subject matter of Claim 1 is not disclosed there. The outstanding Office

¹ See MPEP § 2131.

Action alleges that "identification information" of Hasegawa reads on system ID of Claim 1.²

In Hasegawa, however, identification information identifies "radio channels assigned to respective radio zones and small-scale radio zones."³ Hasegawa does not disclose a system

ID identifying a provider to which the base station belongs, as recited in Claim 1, as

amended. Furthermore, Hasegawa does not even recognize the fact that different base

stations may offer different types of services. Nowhere does Hasegawa disclose second

means for seizing (i.e., setting up a communication link with) one of the base stations

offering desired type of service in a geographical area when determining means determines

that a base station seized by first seizing means does not offer the desired type of service, as

recited in Claim 1, as amended.

Accordingly, Applicants submit that Claim 1 is patentable and the rejection of Claim 1 under 35 U.S.C. § 102(e) should be withdrawn. Independent Claims 5, 8, 11, and 14, although of different scope and/or statutory class, include features similar to those in Claim 1 discussed above. Claims 2-4, 6, 7, 9, 10, 12, 13, and 15-18 depend from Claims 1, 5, 8, 11, or 14. Thus, Applicants respectfully request that the rejection of Claims 2-18 under 35 U.S.C. § 102(e) be withdrawn as well.

² See Office Action, page 2.

³ Col. 6, lines 25-27.

In view of the foregoing remarks, Applicant respectfully submits that each and every one of claims 1-18 defines patentable subject matter, and that the application is in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

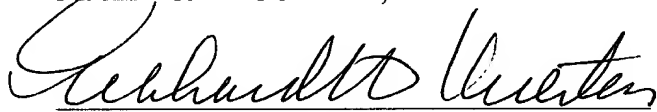
Respectfully submitted,

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